

Notice of Allowability

Application No.

10/009,454

Examiner

Tony G Soohoo

Applicant(s)

BACHER ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/3/03.
2. ☒ The allowed claim(s) is/are 1-12, 14 and 15.
3. ☒ The drawings filed on 05 November 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

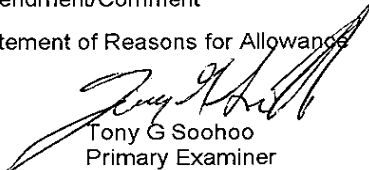
7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| 1 <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____. |
| 3 <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No. <u>attached</u> | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8 <input type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |


Tony G Soohoo
Primary Examiner
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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with J Georg Seka on 11-19-03.

2. The application has been amended as follows:

IN THE SPECIFICATION:

On page 1, line 3, insert the section heading

--BACKGROUND OF THE INVENTION--.

On page 2, line 7, insert the section heading

--SUMMARY OF THE INVENTION--.

On page 5, line 19, insert the section heading

-- Brief DESCRIPTION OF THE DRAWINGS--.

On page 5, line 22, insert the section heading

--DETAILED DESCRIPTION OF THE INVENTION--.

IN THE CLAIMS:

Cancel non-elected claim 13.

Amend claims 6 as follows:

6. (twice amended) Device according to claim 2, characterized in that the additional moving tools (12) are formed by shovels or knives mounted on the rotor (7).

Add new claims 14 and 15 below,

14. (new) Device according to claim 2, characterized in that the shovels or knives have surface or edges which are bent or angled outwardly in opposite direction to that of the rotation.

15. (new) Device according to claim 2, characterized in that the surfaces or edges are cutting edges (22).

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance:

The claims distinguish over the art of record whereby the claims call for a plastic processing device having a receptacle, rotating tools upon a support disc, a discharge opening housing below the rotating disc tools hand having a screw discharge to remove the material from the receptacle, the improvement being that the disc is spaced from the receptacle so that there is an annular gap between the disc and the wall and additional moving tools are provided below the disc.

Examples of the state of the art are shown by plastic disc processors of Bacher et al 4222728, and 5783225, and Ptetschner 4894001, however fail to show or render obvious the provision of additional moving tools and the spacing of the disc from the housing and from the screw outlet.

A search of the prior art has found examples of powder/liquid mixing devices having a disc and lower appendage elements such as Hamada et al 6019498, Ellegast 2971748, Iwako et al 4691867, Murata et al 4983046, Iwanko 3998433, and 4175873, Hamada et al 5599102. Also a brush cutter as shown by Bierack 4463907 shows a disc having an additional lower disc element. However, absent impermissible hindsight gleaned from applicant's disclosure, there is no motivation modify any particular element from that of the power/liquid mixers or brush cutters of the prior art upon the state of the art of the plastic processing device discussed above.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

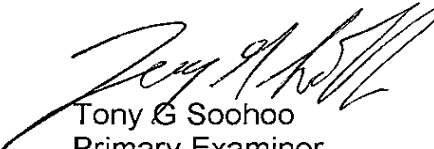
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tony G Soohoo whose telephone number is (703) 308-2882. The examiner can normally be reached on 7:00 AM - 5:00 PM, Tues. - Fri..

Effective: Dec 8, 2003 the new Carlyle Office ph# can be reached on (571) 272 1147. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Tony G Soohoo
Primary Examiner
Art Unit 1723

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TONY G. SOOHO
PRIMARY EXAMINER